

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CAROL I. GRENTZEL,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL CASE NO. 06-10997

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

ORDER ACCEPTING REPORT AND RECOMMENDATION

This cause of action arises out of Defendant Commissioner's denial of Plaintiff's application for Disability Insurance Benefits, pursuant to 42 U.S.C. § 405(g). Now before the Court are Plaintiff's and Defendant's motions for summary judgement. Both motions were referred to Magistrate Judge Steven Whalen for a report and recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B).

The magistrate judge's report and recommendation recommended that this Court grant Defendant's motion for summary judgement and deny Plaintiff's motion for summary judgment. The Magistrate Judge's report and recommendation also notified the parties that any objections must be filed within ten days of service. No party has filed objections.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions,

under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Whalen’s report and recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry 14] is **ACCEPTED and ADOPTED** as the opinion of this court;

IT IS FURTHER ORDERED that Plaintiff’s motion for summary judgment [docket entry 6] is **DENIED**;

IT IS FURTHER ORDERED that Defendant’s motion for summary judgment [docket entry 12] is **GRANTED**.

SO ORDERED.

Dated: November 28, 2006

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on November 28, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Janet L. Parker; James M. O’Reilly, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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